

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

SWISSDIGITAL USA CO., LTD.,

Plaintiff,

v.

SAMSONITE GROUP S.A.; SAMSONITE LLC; SAMSONITE COMPANY STORES, LLC; and DIRECT MARKETING VENTURES, LLC,

Defendants.

Civil No. 1:24-cv-11636

JURY TRIAL DEMANDED

**DECLARATION OF WONJOON CHUNG IN SUPPORT OF
DEFENDANTS' MOTION FOR SUMMARY JUDGMENT**

I, Wonjoon Chung, hereby declare as follows:

1. I am an associate at the law firm of Fish & Richardson P.C. and counsel of record for Defendants Samsonite Group S.A., Samsonite LLC, Samsonite Company Stores, LLC, and Direct Marketing Ventures, LLC (collectively, "Samsonite" or "Defendants") in the above-captioned matter.

2. I have personal knowledge of the matters set forth in this declaration and could testify competently thereto if called upon to do so.

3. This declaration is submitted on behalf of Defendants in support of their Motion for Summary Judgment Regarding the Correct Priority Date of U.S. Patent Nos 10,931,137, 10,931,138, and 11,601,009, and Invalidity of Certain Asserted Claims of Those Patents.

4. Attached hereto as **Exhibit 1** is a true and correct copy of Exhibit B to Swissdigital's Preliminary Infringement Contentions dated 10/26/2024.

5. Attached hereto as **Exhibit 2** is a true and correct copy of an email from Scott Draffin to counsel for Defendants, dated 11/6/2024.

6. Attached hereto as **Exhibit 3** is a true and correct copy of U.S. Patent No. 10,574,071 issued 2/25/2020.

7. Attached hereto as **Exhibit 4** is a true and correct copy of U.S. Patent No. 10,931,137 issued 2/23/2021.

8. Attached hereto as **Exhibit 5** is a true and correct copy of U.S. Patent No. 10,931,138 issued 2/23/2021.

9. Attached hereto as **Exhibit 6** is a true and correct copy of U.S. Patent No. 11,601,009 issued 3/7/2023.

10. Attached hereto as **Exhibit 7** is a true and correct copy of the Complaint for Cancellation of Trademark Registrations and Declaratory Judgment on Non-Infringement of Trademarks and Copyrights, Dkt. No. 1 in *Krummholz International, Inc. and Swissdigital USA Co., Ltd. v. Wenger, S.A.*, Case No. 1:15-cv-86-WMS, filed in the Western District of New York on 1/29/2015.

11. Attached hereto as **Exhibit 8** is a true and correct copy of Declaration of Zhijian (Hunter) Li in Support of Plaintiffs' Opposition to defendant's Motion to Dismiss, Dkt. No. 28-1 in *Krummholz International, Inc. and Swissdigital USA Co., Ltd. v. Wenger S.A.*, Case No. 1:15-cv-86-WMS, filed in the Western District of New York on 9/18/2015.

12. Attached hereto as **Exhibit 9** is a true and correct copy of Exhibit A to Complaint for Cancellation of Trademark Registrations and Declaratory Judgment on Non-Infringement of Trademarks and Copyrights in *Krummholz International, Inc. and Swissdigital USA Co., Ltd. v. Wenger, S.A.*, Case No. 1:15-cv-86-WMS, filed in the Western District of New York on 1/29/2015.

13. Attached hereto as **Exhibit 10** is a true and correct copy of the Complaint, Dkt. No. 1, in *Swissdigital USA Co., Ltd. v. Wenger S.A.*, Case No. 6:21-cv-453, filed in the Western District of Texas on 4/30/2021.

14. Attached hereto as **Exhibit 11** is a true and correct copy of Wenger S.A.'s Motion to Transfer Pursuant to 28 U.S.C. §1404(a), Dkt. No. 27, in *Swissdigital USA Co., Ltd. v. Wenger S.A.*, Case No. 6:21-cv-453, filed in the Western District of Texas on 3/12/2022.

15. Attached hereto as **Exhibit 12** is a true and correct copy of the Complaint, Dkt. No. 1, in *Swissdigital USA Co., Ltd. v. Samsonite International S.A.*, Case No. 6:23-cv-196-ADA, filed in the Western District of Texas on 3/14/2023.

16. Attached hereto as **Exhibit 13** is a true and correct copy of Plaintiff Swissdigital's Preliminary Infringement Contentions served in *Swissdigital USA Co., Ltd. v. Samsonite International S.A.*, Case No. 6:23-cv-196-ADA, in the Western District of Texas on 8/28/2023.

17. Attached hereto as **Exhibit 14** is a true and correct copy of Samsonite International S.A.'s Notice of Subpoenas to Group II International, Inc. served in *Swissdigital USA Co., Ltd. v. Samsonite International S.A.*, 6:23-cv-196-ADA, in the Western District of Texas dated 9/25/2023.

18. Attached hereto as **Exhibit 15** is a true and correct copy of the transcript of the deposition of John Pulichino taken 11/6/2023.

19. Attached hereto as **Exhibit 16** is a true and correct copy of the document produced in this litigation bearing the Bates Number GROUPIII000017.

20. Attached hereto as **Exhibit 17** is a true and correct copy of the document produced in this litigation bearing the Bates Number GROUPIII000021.

21. Attached hereto as **Exhibit 18** is a true and correct copy of the document produced in this litigation bearing the Bates Number GROUPIII000038.

22. Attached hereto as **Exhibit 19** is a true and correct copy of the document produced in this litigation bearing the Bates Number GROUPIII000045.

23. Attached hereto as **Exhibit 20** is a true and correct copy of the document produced in this litigation bearing the Bates Number GROUPIII000087.

24. Attached hereto as **Exhibit 21** is a true and correct copy of the document produced in this litigation bearing Bates Number GROUPIII000094.

25. Attached hereto as **Exhibit 22** is a true and correct copy of the document produced in this litigation bearing Bates number GROUPIII000022.

26. Attached hereto as **Exhibit 23** is a true and correct copy of the document produced in this litigation bearing Bates Number GROUPIII000048.

27. Attached hereto as **Exhibit 24** is a true and correct copy of the document produced in this litigation bearing Bates Number GROUPIII000088.

28. Attached hereto as **Exhibit 25** is a true and correct copy of the document produced in this litigation bearing Bates Number SWISSDIGITAL001835-1858.

29. Attached hereto as **Exhibit 26** is a true and correct copy of United States Patent and Trademark Office America Invents Act: Effective Dates released 10/5/2011, found at https://www.uspto.gov/sites/default/files/aia_implementation/aia-effective-dates.pdf.

30. Attached hereto as **Exhibit 27** is a true and correct copy of the document produced in this litigation bearing Bates Number GROUPIII000018.

31. Attached hereto as **Exhibit 28** is a true and correct copy of the document produced in this litigation bearing Bates number GROUPIII000001.

32. Attached hereto as **Exhibit 29** is a true and correct copy of the document produced in this litigation bearing Bates number GROUPIII000096.

33. Attached hereto as **Exhibit 30** is a true and correct copy of the specification filed with the application that led to the '071 patent, filed on August 26, 2015.

34. Attached hereto as **Exhibit 31** is a true and correct copy of the document produced in this litigation bearing Bates number SAMSONITE00160325.

35. Attached hereto as **Exhibit 32** is a true and correct copy of the document produced in this litigation bearing Bates number SAMSONITE00160341.

I declare under penalty of perjury that the foregoing is true and correct. Executed on April 11, 2025.

/s/ Wonjoon Chung

Wonjoon Chung